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Cooperating water factions near pact

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SACRAMENTO — The traditional enemies in California's water wars haven't exactly kissed and made up, but they may be on the verge of an agreement that could ease some of the uncertainty about future water supplies for farms in Kern County and the rest of the San Joaquin Valley.

Under heavy pressure from the federal government, the three competing interests that have fought over water in the Sacramento-San Joaquin Delta for most of the past decade — agricultural and urban water agencies and environmental groups — have been negotiating seriously on environmental standards for the Delta.

To the surprise of many observers, and even the participants themselves, a fragile compromise appears to be emerging that could give users like the Kern County Water Agency a more reliable water supply while satisfying environmentalists that threatened and endangered fish in the Delta face a more secure future.

"An amazing amount of progress has been made, much more than people anticipated a year ago," said Gary Bobker of the Bay Institute, one of the environmental groups involved in the talks.

There still are major hurdles to overcome, and no one is declaring victory yet, especially in the agricultural community.

Asked about his view of the chances for a major agreement, Gary Bucher of the Kern County Water Agency said, "I'd say not much better than about 50-50 at this point."

Farm water agencies, for example, insist they are not willing to give up the large quantities of water needed to protect fish in the Delta unless the federal government

'Amazing' progress made in Delta talks

promises that it will live with the agreement for some time. Agriculture wants a pledge that the government won't be back in a year or two with demands for more water for newly threatened or endangered fish, an issue known as "shelf life."

Federal environmental officials are considering the issue, but have yet to announce whether they can give a firm "a deal is a deal" promise on the Delta standards.

The basic problem is the nature of the Delta itself, a low-lying estuary above San Francisco Bay where most of Northern California's rivers converge. For decades, it has been the major source of supply for the federal Central Valley Project and the State Water Project. Both projects supply water to farmers in Kern County, although Delta water comes to Kern only through the state project, for which the Kern County Water Agency is the single biggest customer. Kern's CVP water comes from Friant Dam on the San Joaquin River northeast of Fresno.

With the development of water projects in the Delta and upstream on its tributaries, several key species of fish that live in the Delta or migrate through it have been on the decline for many years. The decline has been so drastic that the winter-run chinook salmon and Delta smelt have been listed officially as threatened under the federal Endangered Species Act and a third species, the Sacramento split-tail, is expected to be listed.

With each new listing, federal officials have required the projects to allow more fresh water to flow out through the Delta into San Francisco Bay to improve the habitat for the fish. Each time, that has made less water available for agri-

culture, on relatively short notice, producing bitter protests from farm and city water users who still are saddled with huge debts for the construction of the water projects.

The U.S. Environmental Protection Agency, under a court order in a lawsuit filed by the Sierra Club and other environmental groups, is scheduled to impose a set of new environmental standards to enforce the endangered species law and the Clean Water Act by Dec. 15.

But the state Water Resources Control Board has the primary responsibility for enforcing environmental standards in the Delta, and it is working on standards of its own that are designed to replace the federal standards as soon as possible. Rather than imposing its own standards over the opposition of one or more of the state's major water interests, however, the state board would rather see them come up with a consensus plan that would put an end to a decade of legal and political warfare over the Delta.

That's the atmosphere in which the three competing interests have been conducting intense behind-the-scenes negotiations for the last few months.

A major breakthrough occurred last month when two of the key players, agricultural and urban water agencies that had parted company on many Delta issues some years ago, issued a joint proposal for new Delta standards.

It would require allowing an estimated 1 million acre-feet of additional water to flow out through the Delta in most years. That would be a major sacrifice for the valley's farmers, but most officials agree sacrifice is probably necessary in light of endangered species requirements.

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But if they're going to sign off on an agreement, and promise not to launch more lawsuits, they want assurances that there will be no new flow requirements for environmental purposes at least for the next several years, say farm water officials, among them Kern County Water Agency Manager Tom Clark.

The ag-urban proposal is not too far away from the latest draft of the EPA's standards that will go into effect next month. By some estimates it would require about 1.1 million acre-feet of water for the fish, although environmental groups say the difference may be a little more, a few hundred thousand acre-feet.

Bobker said environmental representatives find much to agree with in the position of the agricultural and urban users, but "we're very concerned that we not declare victory too soon." The "enviros" as they call themselves, want to continue negotiations until they can obtain at least some additional margin of safety for the Delta fish.

"We need to keep sitting at the table," he said. "We can get closer. Failure to do that sort of ensures that we go back to the old gridlock."